



PATENT
Attorney Docket No. 05725.1242-00

TPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Bertrand LION et al.) Group Art Unit: 1796
Application No.: 10/670,478) Examiner: H. PEZZUTO
Filed: September 26, 2003)
For: NOVEL BLOCK POLYMERS AND) Confirmation No.: 7403
COSMETIC COMPOSITIONS AND)
PROCESSES COMPRISING)
THEM)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patents, patent application publications, co-pending applications, and respective office actions are not enclosed as they are available on the Imaged File Wrapper of PAIR. The non-patent literature document, Aldrich: Polymer Properties; 4th

Ed. Catalog No. Z41, 247-3 (1999) was cited by the Examiner in co-pending U.S. Patent

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Application No. 10/573,579 (see the Notice of References Cited of March 18, 2009, entry U), and accordingly, no copy is attached.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an “adverse decision” by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. See also M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents:

1. DE 100 22 247: This document is believed to be related to U.S. Publ. No. 2003/0113285, cited on the attached IDS Form PTO/SB/08.
2. EP 0 080 976: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
3. EP 0 549 494: This document is believed to be related to U.S. Patent Nos. 5,756,635 and 6,258,916, cited on the attached IDS Form PTO/SB/08.
4. EP 0 550 745: The European Patent Office’s website indicates that WO 93/01797, cited on the attached IDS Form PTO/SB/08 and submitted herewith, takes the place of EP 0 550 745, cited on the attached IDS Form PTO/SB/08. EP 0 550 745 and WO 93/01797 are believed to be related to U.S. Patent No. 5,519,063, cited on the attached IDS Form PTO/SB/08.

5. EP 0 667 146: This document is believed to be related to U.S. Patent Nos. 6,120,781 and 6,132,742, cited on the attached IDS Form PTO/SB/08.
6. EP 0 847 752: This document is believed to be related to U.S. Patent No. 6,649,173, cited on the attached IDS Form PTO/SB/08.
7. EP 0 951 897: This document is believed to be related to U.S. Patent No. 6,180,123, cited on the attached IDS Form PTO/SB/08.
8. EP 0 955 039: This document is believed to be related to U.S. Patent No. 6,491,927, cited on the attached IDS Form PTO/SB/08.
9. EP 1 043 345: This document is believed to be related to U.S. Patent No. 6,692,733 cited on the attached IDS Form PTO/SB/08.
10. EP 1 066 817: This document is believed to be related to U.S. Patent No. 6,342,237, cited on the attached IDS Form PTO/SB/08.
11. EP 1 068 856: This document is believed to be related to U.S. Patent No. 6,960,339, cited on the attached IDS Form PTO/SB/08.
12. EP 1 082 953: An English Language Derwent Abstract of this document is submitted herewith.
13. EP 1 159 950: An English Language Derwent Abstract of this document is submitted herewith.
14. EP 1 192 930: This document is believed to be related to U.S. Publication No. 2002/0061319, cited on the attached IDS Form PTO/SB/08.
15. EP 1 201 221: This document is believed to be related to U.S. Publication No. 2002/0098217, cited on the attached IDS Form PTO/SB/08.
16. EP 1 279 398: This document is believed to be related to U.S. Publication No. 2003/0059392 A1 cited on IDS Form PTO/SB/08.
17. EP 1 356 799: This document is believed to be related to U.S. Publication Nos. 2003/0003154 and 2005/0201958, and U.S. Patent Nos. 6,946,518 and 7,358,303, cited on the attached IDS Form PTO/SB/08.
18. EP 1 366 741: This document is believed to be related to U.S. Publication No. 2004/0039101 A1 cited on the attached IDS Form PTO/SB/08.
19. EP 1 366 744: This document is believed to be related to U.S. Publication No. 2004/0009136 A1 cited on the attached IDS Form PTO/SB/08.
20. EP 1 411 069 A2: This document is believed to be related to United States Patent Application Publication No. 2004/0120920 A1, cited in the Information Disclosure Statement submitted on September 25, 2008.

21. EP 1 421 928 A2: This document is believed to be related to United States Patent Application Publication No. 2004/0120906 A1, cited in the Information Disclosure Statement submitted on September 25, 2008.
22. FR 2 077 143: This document is believed to be related to U.S. Patent No. 3,910,862, cited on the attached IDS Form PTO/SB/08.
23. FR 2 079 785: This document is believed to be related to U.S. Patent No. 3,673,160, cited on the attached IDS Form PTO/SB/08.
24. FR 2 232 303: This document is believed to be related to U.S. Patent Nos. 3,937,811 and RE29871, cited on the attached IDS Form PTO/SB/08.
25. FR 2 296 402: This document is believed to be related to U.S. Patent No. 4,030,512, cited on the attached IDS Form PTO/SB/08.
26. FR 2 393 573: This document is believed to be related to U.S. Patent Nos. 4,165,367 and 4,223,009, cited on the attached IDS Form PTO/SB/08.
27. FR 2 722 380: This document is believed to be related to U.S. Patent No. 6,059,473, cited on the attached IDS Form PTO/SB/08.
28. FR 2 727 609: This document is believed to be related to U.S. Patent No. 5,879,095, cited on the attached IDS Form PTO/SB/08.
29. FR 2 761 959: This document is believed to be related to U.S. Patent No. 6,386,781, cited on the attached IDS Form PTO/SB/08.
30. FR 2 775 566: An English Language Derwent Abstract of this document is submitted herewith.
31. FR 2 775 593: This document is believed to be related to U.S. Patent No. 6,238,679, cited on the attached IDS Form PTO/SB/08.
32. FR 2 791 042: This document is believed to be related to U.S. Patent No. 6,484,731, cited on the attached IDS Form PTO/SB/08.
33. FR 2 791 988 A1: This document is believed to be related to United States Patent No. 6,692,733, cited in the attached IDS Form PTO/SB/08.
34. FR 2 792 190: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
35. FR 2 792 618: This document is believed to be related to U.S. Patent No. 6,328,495, cited on the attached IDS Form PTO/SB/08.
36. FR 2 796 529: This document is believed to be related to U.S. Patent No. 6,581,610, cited on the attached IDS Form PTO/SB/08.

37. FR 2 798 061: An English Language Derwent Abstract of this document is submitted herewith, and cited on the attached IDS Form PTO/SB/08.
38. FR 2 803 743: An English Language Derwent Abstract of this document is submitted herewith, and cited on the attached IDS Form PTO/SB/08.
39. FR 2 806 273: This document is believed to be related to U.S. Patent No. 6,843,611, cited on the attached IDS Form PTO/SB/08.
40. FR 2 809 306: This document is believed to be related to U.S. Patent No. 6,805,872, cited on the attached IDS Form PTO/SB/08.
41. FR 2 814 365: This document is believed to be related to U.S. Publication No. 2002/0076425, cited on the attached IDS Form PTO/SB/08.
42. FR 2 816 503: This document is believed to be related to U.S. Publication No. 2003/0017182, cited on the attached IDS Form PTO/SB/08.
43. FR 2 823 101: This document is believed to be related to U.S. Publication No. 2003/0039621, cited on the attached form PTO/SB/08.
44. FR 2 823 103: This document is believed to be related to U.S. Publication No. 2003/0017124, cited on the attached IDS Form PTO/SB/08.
45. FR 2 827 514 A1: This document is believed to be related to United States Patent Application Publication No. 2003/0059392 A1, cited in the attached IDS Form PTO/SB/08.
46. FR 2 831 430: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
47. FR 2 834 458: An English Language Derwent Abstract of this document is submitted herewith, and cited on the attached IDS Form PTO/SB/08.
48. FR 2 840 205 A1: This document is believed to be related to United States Patent Application Publication No. 2004/0039101 A1, cited in the Information Disclosure Statement submitted on September 25, 2008.
49. FR 2 840 209 A1: This document is believed to be related to United States Patent Application Publication No. 2004/0009136 A1, cited in the attached IDS Form PTO/SB/08.
50. FR 2 842 417: This document is believed to be related to U.S. Publication No. 2004/0241118, cited on the attached IDS Form PTO/SB/08.
51. FR 2 844 709: This document is believed to be related to U.S. Publication No. 2004/0142831, cited on the attached IDS Form PTO/SB/08.

52. FR 2 860 143 A1: This document is believed to be related to United States Patent Application Publication No. 2005/0106197 A1, cited in the attached IDS Form PTO/SB/08.
53. FR 2 860 156 A1: An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith, and cited on the attached IDS Form PTO/SB/08.
54. JP 06-279323: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.
55. JP 07-196450: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.
56. JP 07-324017: This document is also believed to be related to U.S. Patent No. 5,747,013, cited on the attached IDS Form PTO/SB/08.
57. JP 09-263518: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.
58. JP 11-124312: This document is believed to be related to U.S. Patent No. 6,326,011, cited on the attached IDS Form PTO/SB/08.
59. JP 2000-319326: This document is believed to be related to United States Patent No. 6,692,733 B1, cited in the attached IDS Form PTO/SB/08.
60. JP 2001-348553: An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
61. JP 2001-527559: This document is believed to be related to PCT International Publication No. WO 98/51276, cited in the Information Disclosure Statement submitted on September 25, 2008.
62. JP 2002-201110: This document is believed to be related to U.S. Publication Nos. 2004/0116634, 2004/0167304, 2004/0116628, 2004/0115149, 2004/0115148, 2004/0109838, 2005/0032998, 2004/0097657, 2004/0096409, 2005/0232887, 2004/0115157, 2005/0089536, 2004/0109836, 2004/0141937, 2004/0091444, 2004/0109835, 2008/0069793, 2008/0107617, and 2008/0207773, and U.S. Patent Nos. 6,833,419, 6,891,011, 6,964,995, 7,022,791, 7,025,973, 7,053,146, 7,081,507, 7,151,137, 7,186,405, 7,186,774, 7,244,421, 7,279,154, 7,297,328, 7,332,155, 7,393,520, and 7,399,478, cited on the attached IDS Form PTO/SB/08.
63. JP 2003-286142: This document is believed to be related to European Application Publication No. 1 440 680, cited in the Information Disclosure Statement submitted on September 25, 2008.

64. JP 2003-73222: This document is believed to be related to United States Patent Application Publication No. 2003/0059392 A1, cited in the attached IDS Form PTO/SB/08.
65. JP 2004-002432: An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is also believed to be related to U.S. Patent Application Publication No. 2004/0009136, cited in the attached IDS Form PTO/SB/08.
66. JP 2004-002435: An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is also believed to be related to U.S. Patent Application Publication No. 2004/0039101, cited in the attached IDS Form PTO/SB/08
67. JP 2004-269497: This document is believed to be related to United States Patent Application Publication No. 2004/0120906 A1, cited in the Information Disclosure Statement submitted on September 25, 2008.
68. JP 2005-104979: This document is believed to be related to United States Patent Application Publication No. 2005/0106197 A1, cited in the attached IDS Form PTO/SB/08.
69. JP 2006-503921: This document is believed to be related to United States Patent Application Publication No. 2006/0134051, cited in the Information Disclosure Statement submitted on September 25, 2008.
70. JP 2006-507355: This document is believed to be related to PCT International Application Publication No. WO 2004/024700, cited in the attached IDS Form PTO/SB/08.
71. JP 2006-507365: This document is believed to be related to United States Patent Application Publication No. 2006/0127334, cited in the attached IDS Form PTO/SB/08.
72. JP 2006-507366: This document is believed to be related to United States Patent Application Publication No. 2006/0147403 A1, cited in the Information Disclosure Statement submitted on September 25, 2008.
73. JP 2006-507367: This document is believed to be related to United States Patent Application Publication No. 2006/0093568, cited in the Information Disclosure Statement submitted on September 25, 2008.
74. JP 5-221829: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.
75. WO 01/03538: An English Language Derwent Abstract of this document is submitted herewith.

76. WO 02/05765: This document is believed to be related to U.S. Publication No. 2004/0052752, cited on the attached IDS Form PTO/SB/08.
77. WO 02/080869: This document is believed to be related to U.S. Publication No. 2004/093676, cited on the attached IDS Form PTO/SB/08.
78. WO 03/046032: This document is believed to be related to U.S. Publication Nos. 2007/0003506, 2007/0003507, and 2008/0159965, cited on the attached IDS Form PTO/SB/08.
79. WO 04/028489: An English Language Derwent Abstract of this document is submitted herewith.
80. WO 2004/022009: This document is believed to be related to U.S. Publication Nos. 2004/0137020, 2004/0137021, 2006/0099231, and 2006/0134038, cited on the attached IDS Form PTO/SB/08.
81. WO 2004/022010: This document is believed to be related to U.S. Publication Nos. 2004/0137020, 2004/0137021, 2006/0099231, and 2006/0134038, cited on the attached IDS Form PTO/SB/08.
82. WO 2004/028485 A2: An English language abstract of the disclosure of this document can be found on the front of this document, which is submitted herewith.
83. WO 2004/028487 A2: An English language abstract of the disclosure of this document can be found on the front of this document, which is submitted herewith.
84. WO 2004/028491 A2: An English language abstract of the disclosure of this document can be found on the front of this document, which is submitted herewith.
85. WO 93/01797: This document is believed to be related to U.S. Patent No. 5,519,063, cited on the attached IDS Form PTO/SB/08.
86. WO 98/31329: This document is believed to be related to U.S. Patent No. 6,126,929, cited on the attached IDS Form PTO/SB/08.
87. French Search Report for FR 02/11949: This is the French Search Report for FR 02/11949 from which the instant application, No. 10/670,478 (Attorney Docket No. 05725.1242-00), claims priority.
88. French Search Report for FR 03/11340: This is the French Search Report for FR 03/11340 from which co-pending Application No. 10/949,448 (Attorney Docket No. 05725.1374-00) claims priority.

89. French Search Report for FR 04/50572: This is the French Search Report for FR 04/50572 from which co-pending Application No. 11/086,906 (Attorney Docket No. 05725.1424-00) claims priority.
90. International Search Report for PCT/FR03/02849: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/529,265 (Attorney Docket No. 05725.1418-00).
91. International Search Report for PCT/FR03/02844: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/529,318 (Attorney Docket No. 05725.1427-00).
92. International Search Report for PCT/FR03/02847: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/529,266 (Attorney Docket No. 05725.1421-00).
93. International Search Report for PCT/FR03/02842: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/529,218 (Attorney Docket No. 05725.1417-00).
94. International Search Report for PCT/FR03/02843: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/528,698 (Attorney Docket No. 05725.1422-00).
95. International Search Report for PCT/FR03/02845: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/529,264 (Attorney Docket No. 05725.1420-00).
96. International Search Report for PCT/FR03/02846: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/528,699 (Attorney Docket No. 05725.1415-00).
97. International Search Report for PCT/FR03/02848: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/528,835 (Attorney Docket No. 05725.1419-00).
98. International Search Report for PCT/IB2005/000230: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/585,817 (Attorney Docket No. 05725.1586-00).
99. International Search Report for PCT/IB2005/000236: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/585,818 (Attorney Docket No. 05725.1589-00).
100. Pigeon, R. et al., Chimie Macromoleculaire Appliquee, no. 600, 40/41 (1074), pp. 139-158: An English-language abstract is found on the first and second pages of the document.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 20, 2009

By: _____

Adam M. Breier
Reg. No. 63,718